

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

DANA TRANSPORT, INC.,
DANA CONTAINER, INC.,
INTERNATIONAL EQUIPMENT LOGISTICS,
INC., and
SUTTLES TRUCK LEASING, LLC,

Plaintiffs,

v.

ABLECO FINANCE, LLC,

Defendant.

Civil Action No. 04-2781

ORDER

KATHARINE S. HAYDEN, U.S.D.J.

THIS MATTER having come before the Court upon defendant's motion to dismiss pursuant to F.R.C.P. 12(b)(6); the Court having considered the written submissions by the parties, and for good cause shown and for the reasons more fully set forth in the opinion of this Court,

IT IS on this 17th day of August, 2005

ORDERED that the motion to dismiss is **granted in part** and **denied in part**.

s/ Katharine S. Hayden
Katharine S. Hayden, U.S.D.J.